

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

JOHN C. RODRIGUEZ

PLAINTIFF

v.

No. 3:20CV32-NBB-RP

**CALIFORNIA DEPARTMENT OF CORRECTIONS
DR. THOMAS**

DEFENDANTS

**ORDER GRANTING DEFENDANT THOMAS' MOTION [31]
TO COMPEL PLAINTIFF TO EXECUE AUTHORIZATION
TO RELEASE MEDICAL RECORDS**

This matter comes before the court on the motion [31] under Fed. R. Civ. P. 37(a) by defendant Dr. Daisy Thomas to compel the plaintiff to execute the appropriate authorization form so that she may carry out her defense against the plaintiff's allegations. The plaintiff alleges claims for negligence, medical malpractice, and deliberate indifference against Dr. Thomas, a contract physician providing medical services to inmates housed at the Tallahatchie County Correctional Facility ("TCCF"). The plaintiff has been transferred from TCCF, and Dr. Thomas no longer has access to the medical records, and the California Department of Corrections and Rehabilitation requires the plaintiff to execute a release before they will turn the subpoenaed documents over to her. Dr. Thomas has repeatedly requested that the plaintiff release the records, but he has not done so. As these documents are necessary for Dr. Thomas to mount a defense against the plaintiff's allegations, the instant motion is **GRANTED**.

It is **ORDERED** that, within 21 days, the plaintiff execute the documents necessary to release his institutional file to the defendant. If he fails to do so, the instant case will be dismissed without prejudice under Fed. R. Civ. P. 41(b) and 37(a) for failure to cooperated in discovery and failure to comply with an order of the court.

SO ORDERED, this, the 16th day of August, 2021.

/s/ Roy Percy
UNITED STATES MAGISTRATE JUDGE